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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.												
10/811,893	03/30/2004	Seon-kyu Park	1572.1276	1338												
21171 STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005	7590 09/11/2007		<table border="1"><tr><td colspan="2">EXAMINER</td></tr><tr><td colspan="2">BRINEY III, WALTER F</td></tr></table> <table border="1"><tr><td>ART UNIT</td><td>PAPER NUMBER</td></tr><tr><td>2615</td><td></td></tr></table> <table border="1"><tr><td>MAIL DATE</td><td>DELIVERY MODE</td></tr><tr><td>09/11/2007</td><td>PAPER</td></tr></table>		EXAMINER		BRINEY III, WALTER F		ART UNIT	PAPER NUMBER	2615		MAIL DATE	DELIVERY MODE	09/11/2007	PAPER
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/811,893

Applicant(s)

PARK ET AL.

Examiner

Walter F. Briney III

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☐ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20-22 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-9, 11-14 and 17-19 is/are rejected.
- 7) ☒ Claim(s) 5, 10, 15 and 16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. **Claims 1-4, 6-9, 11-14 and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hawkins et al. (US Patent Application Publication 2003/0174855 A1) in view of Kruszewski (US Patent 5,201,896).**

**Claims 1-4, 6-9, 11-14 and 17-19** are rejected for the same reasons set forth in the Non-Final Office Action field 08 March 2007.

### ***Allowable Subject Matter***

The following is a statement of reasons for the indication of allowable subject matter:

2. **Claims 5, 10, 15 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.**

**Claims 5, 10, 15 and 16** are rejected for the same reasons set forth in said Non-Final Office Action.

3. **Claims 20-22 are allowed.**

**Claim 20-22** are allowable over the cited prior art for the same reasons set forth in said Non-Final Office Action.

***Response to Arguments***

Applicant's arguments filed 07 June 2007 have been fully considered but they are not persuasive.

On page 6, lines 14-18, applicant alleges that the combination of Hawkins and Kruszewski "lacks the requisite motivation." More specifically, while Hawkins teaches the use of a ball and socket joint as advantageous (see paragraph 17), Kruszewski indicates in column 1, lines 50-54, that ball and socket joints are undesirable. Thus, the references combined have contrary teachings, which supports a lack of motivation as alleged; the examiner respectfully disagrees.

First, the references do not have contrary teachings. Hawkins states in cited paragraph [0017]: "the ball and socket joint 44 is advantageous because it allows the speaker assembly 58 to be aimed." This is the only stated advantage of the ball-and-socket joint. Kruszewski states in column 1, lines 50-54: "However, these types of ball-and-socket supports are cumbersome to install such that installation of a speaker to a wall or ceiling via a ball and socket support most times requires two people." Kruszewski does not contradict on any level the advantage of providing aiming with a ball-and-socket joint, only the difficulty of install. This teaching by Kruszewski suggests to one of ordinary skill in the art to use a different type of mount, such as that taught by

Kruszewski since it overcomes the difficulty of install. See column 1, lines 55-68, and column 2, lines 1-2.

Granting applicant's view that the teachings of Hawkins and Kruszewski are contrary to one another, it is still apparent from paragraph [0017] of Hawkins that other mounts that allow aiming of a speaker mounted thereto are considered just as usable. As all of applicant's arguments have been shown to be unpersuasive, the rejections set forth in the foregoing are maintained.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Walter F. Briney III whose telephone number is 571-272-7513. The examiner can normally be reached on M-F 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 571-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/wfb/  
9/3/07

  
**SINH TRAN**  
**SUPERVISORY PATENT EXAMINER**